IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) NO.375 OF 2006
IN
NOTICE OF MOTION NO.2708 OF 2005
IN
SUIT NO.2468 OF 2005

Wanbury Limited ..Appellant
(Orig.Plff.)

Vs.

Novartis A.G. & Ors. ..Respondents.
(Orig.Defts.)

Mr.I.M.Chagla, Senior Advocate with Mr.R.Chagla i/b.D.H.Law Associates for the Appellant.

Mr.Kiran Mehta i/b. Mr.G.S.Hegde & Mr.V.A.Bhagat for Respondent Nos.1, 2 and 5

CORAM: DR.S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.
DATED: 10TH AUGUST, 2006

P.C. :

Heard the learned counsel for the Appellant and the learned counsel for the Respondent Nos.1, 2 and 5.

2. Appeal is admitted.

3. By consent of both the parties, being the contesting parties, appearing before us, the Appeal is taken up for final hearing. Having regard to the facts and circumstances of the case and in the larger

interest of justice, especially in view of the absence of the counsel, the litigant ought not to suffer, we set aside the learned Single Judge's order dated 2nd March, 2006 so as to enable the Appellant to argue the aforesaid Notice of Motion on its own merits.

4. The Appellant shall pay the costs quantified at Rs.5000/- to the Maharashtra State Legal Services Authority within a period of two weeks from today.

5. Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)